

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

GERARDO HERNANDEZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU - 4461

Order No. CU-92

ORDER OF DISMISSAL

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was opened by the Commission, on behalf of GERARDO HERNANDEZ, for an unstated amount, based upon certain losses which may have been sustained as a result of actions by the Government of Cuba since January 1, 1959.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

This claim was filed on June 30, 1967, by the Commission on behalf of GERARDO HERNANDEZ on the basis of information received by the Commission that he had been unable to return to the United States. By letter of September 6, 1967, the Commission directed an inquiry to the Postmaster of Miami, Florida in an effort to obtain the present address of Mr. Hernandez. In a letter received January 29, 1968, the present address of Mr. Hernandez was furnished.

Thereafter, by letter of March 15, 1968, the Commission made suggestions to Mr. Hernandez regarding the filing of claims under Title V of the International Claims Settlement Act of 1949, as amended, for losses suffered in Cuba after January 1, 1959 due to actions of the Government of Cuba. Mr. Hernandez was provided with the necessary forms. No reply to this letter was received.

On April 22, 1968, Mr. Hernandez was advised to comply with the previous suggestions of the Commission and he was advised that, absent any evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

Accordingly, since Mr. Hernandez has neither asserted nor proven his ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba, it is

ORDERED that this claim be and it is hereby, dismissed.

Dated at Washington, D. C.,  
and entered as the Order  
of the Commission

JUN 19 1968

By Order of the Commission



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Francis T. Masterson  
Clerk